

February 8, 2002

Mr. J. Troy Martel, P.E.
Triconex Nuclear Qualification Project Director
Triconex Corporation
15345 Barranca Parkway
Irvine, California 92618

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Martel:

By your applications dated March 21, 2000, April 3, 2000, and July 17, 2000, Triconex submitted documents for NRC staff review regarding the qualification of the TRICON TMR Programmable Logic Controller. The July 17, 2000, application was superseded by your November 14, 2000, submittal. The affidavit dated April 4, 2000, executed by Roy G. Aldridge, was amended and submitted with the July 17, 2000, submittal. This affidavit was dated July 17, 2000, and executed by Michael P. Phillips. By letter dated November 30, 2001, you submitted a current affidavit dated November 29, 2001, executed by Michael P. Phillips. The following documents were submitted by these applications:

March 21, 2000 Submittal

7286-502, Rev. 2, "Set-up & Check-out Test Procedure"
7286-503, Rev. 2, "Operability Test Procedure"
7286-504, Rev. 2, "Prudency Test Procedure"
7286-506, Rev. 0, "Environmental Test Procedure"
7286-507, Rev. 0, "Seismic Test Procedure"
7286-510, Rev. 1, "EMI/RFI Test Procedure"
7286-508, Rev. 1, "Surge Withstand Test Procedure"
7286-509, Rev. 0, "1E/Non 1E Isolation Test Procedure"
7286-513, Rev. 0, "TSAP Validation Test Procedure"

April 3, 2000 Submittal

7286-517, Rev. 1, "TSAP Functional Specification"
7286-518, Rev. 1, "TSAP Design Specification"
7286-519, Rev. 4, "TSAP Program Listing"
7286-001-329, "Test System Arrangement/Wiring Drawings"
7286-430-444, "Test System Functional Diagrams"
7286-531-543, "Test System Loop Diagrams"

November 14, 2000 Submittal

7286-535, Rev. 1, "Software Qualification Report"
7286-524, Rev. 0, "Pre-Qualification Test Report"
7286-525, Rev. 0, "Environmental Test Report"
7286-526, Rev. 0, "Seismic Test Report"
7286-527, Rev. 0, "EMI/RFI Test Report"
7286-528, Rev. 0, "Surge Test Report"
7286-529, Rev. 0, "1E/Non 1E Isolation Test Report"
7286-530, Rev. 0, "Performance Proof Test Report"
7286-500, Rev. 3, "Master Test Plan"
7286-536, Rev. 0, "TSAP V&V Report"
7286-532, Rev. 0, "Failure Modes & Effects Analysis"

Triconex requested that these documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. By letter dated November 14, 2000, Triconex provided nonproprietary copies of the documents listed in the July 17, 2000 submittal. The nonproprietary versions have been placed in the Nuclear Regulatory Commission's (NRC's) Public Document Room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library. A nonproprietary copy of the documents submitted with the April 3 and March 21, 2000 submittals has not been provided.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (a) Information which discloses process, method, or apparatus, including supporting data and analyses, where prevention of its use by Triconex's competitors without license or contract from Triconex constitutes a competitive economic advantage over other companies in the industry.
- (b) Information, which if used by a competitor, would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.
- (f) Information obtained through Triconex actions which could reveal additional insights into Nuclear 1E PLC equipment qualification processes and regulatory proceedings, and which are not otherwise readily obtainable by a competitor.

We have reviewed your applications and the materials in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the documents listed above, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-1396.

Sincerely,

/RA by S Dembek for/

L. Raynard Wharton, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Project No. 709

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L. Raynard Wharton, Project Manager, Section 2
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Project No. 709

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